

Amend Section 35000 to read:

35000 DEFINITIONS

35000

(a)(1) through (4) (Continued)

- (5) "Adoption Facilitator" means a person or organization that is not licensed as an adoption agency by the state of California and engages in either of the following activities:
- (A) Advertises for the purpose of soliciting parties to an adoption, or locating children for an adoption, or acting as an intermediary between the parties to an adoption.
- (B) Charges a fee or other valuable consideration for services rendered relating to an adoption.
- (6) "Adoption Facilitator Registry" means a list of adoption facilitators who have been approved to provide services as an adoption facilitator by the Department. The Adoption Facilitator Registry is located on the California Department of Social Services website.
- (57) "Adoption Service Provider (ASP)" means an licensed private adoption agency or individual adoption service provider ASP, as defined at Family Code Section 8502.
- (68) "Adoptive Parent," as used in these regulations, means adoptive parent as defined at Family Code Section 8503 a person who has obtained an order of adoption of a minor child.
- (79) "Agency" means a licensed California public or private adoption agency, county adoption agency or the Department's aAdoption district eOffices.
- (810) "Agency Adoption," means agency adoption as defined at Family Code Section 8506, means the adoption of a minor child, other than an intercountry or independent adoption, where the Department, county adoption agency, or licensed adoption agency is a party to, or joins in, the adoption petition.
- (911) "Alleged Natural Father" means an identified or unidentified male who:
- (A) could be, or claims to be, the father of the child; and
- (B) does not meet the definition of a presumed father; and
- (C) has not otherwise established paternity.

- (102) ~~"Applicant," means applicant as defined at Family Code Section 8509,~~
means a person who has submitted a written application to adopt a minor
child from the Department, county adoption agency, or licensed adoption
agency.
- (143) "Appropriate Public Authority" (Continued)
- (b) (1) "BIA" (Continued)
- (2) "Biological Father" means the man who has established a genetic link to
the child per Chapter 2 of Part 2 of Division 12 of the Family Code or by
another judicial proceeding, including a judicial proceeding of another
state.
- (23) "Birth Parent" (Continued)
- (4) "Business License" means, for the purposes of an Adoption Facilitator, a
license obtained from the city or county in which the Adoption Facilitator is
doing business. The license must include the Adoption Facilitators name
and/or business name, location, license number, effective and expiration
date, and business type.
- (c) (1) "CACI," as defined at Penal Code section 11170, means the California
Child Abuse Central Index.
- (42) "California Agency" means, for the purpose of the Interstate Compact on
the Placement of Children (ICPC), a CDSS Adoptions district eOffice or a
licensed public or private adoption agency, or a county adoption agency.
- (23) "California Children's Services (CCS)" ~~means that the~~ program authorized
by the California Department of Health Care Services pursuant to Health
and Safety Code Section 251.5 123800 et seq., which provides
diagnostic and treatment, diagnostic, and therapeutic services, medical
case management, and physical and occupational therapy services to for
eligible children under the age twenty-one who have handicapping
conditions as specified at Title 17, California Administrative Code, 29001-
of 21 with CCS-eligible medical conditions.
- (34) "CDSS" (Continued)
- (45) "California Preadoption Requirements – Adoption Abroad" (Continued)
- (56) "California Preadoption Requirements - Adoption of a Foreign-Born Child
in California" (Continued)
- (A) through (E) (Continued)
- (67) "CDIB" (Continued)

- (78) "Concurrent Services Planning" (Continued)
- (89) "Consent to Adoption" means the voluntary written agreement by the birth parent(s) with agreeing to the adoption of the child by a specified person or persons to the adoption of the child.
- (A) (Continued)
- (910) "County" (Continued)
- (11) "County Adoption Agency," as defined at Family Code section 8513, means an adoption agency operated by a county or consortium of counties.
- (d) (1) "Days," as defined at Family Code section 8514, means calendar days unless otherwise specified.
- (2) through (4) (Continued)
- (e) Reserved
- (f) (1) "FBI Criminal Record" (Continued)
- (2) "Filing a ~~Petition~~ an Adoption Request" means the submission of an adoption petition to the clerk of the court having jurisdiction request to the Superior Court of a California county and the clerk's acceptance and endorsement of the petition in the county where the petitioner resides request.
- (A) In the adoption of a nondependent minor, the adoption request shall be filed pursuant to Family Code section 8609.5.
- (AB) In an agency adoption, where the child is a dependent of the juvenile court, the ~~petition~~ adoption request may be filed either in the county where the petitioner resides or in the county where the child was legally freed for adoption pursuant to Family Code section 8714(a).
4. ~~If the petitioner is a relative of the child and has entered into a kinship adoption agreement pursuant to Family Code Section 8714.7, a copy of the kinship adoption agreement shall be attached to the petition as required by Family Code Section 8714.5(d).~~
- (BC) In an independent adoption, where the child has been placed for adoption ~~with a person other than a relative, as defined at Section 35000(r)(6),~~ a copy of the Independent Adoption Placement

Agreement shall be attached to the ~~petition~~ adoption request as required by Family Code ~~§~~section 8802.

(3) (Continued)

(4) through (7) (Continued)

(8) "Foster Family Agency" means any organization engaged in the recruiting, certifying, and training of, and, providing professional support to, ~~foster certified~~ parent(s), or in finding homes ~~or other places~~ for temporary placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

(9) (Continued)

(10) "Freed for Adoptive Placement" means eligibility of the child to be placed for adoption by any of the following: relinquishment for adoption, consent ~~of~~ to adoption, court order for termination of parental rights, denial of paternity, or waiver of ~~further~~ the right to notice of ~~court~~ any adoption proceedings.

(11) (Continued)

(12) (Continued)

(g)(1) through (h)(1) (Continued)

(i)(1) through (11) (Continued)

~~(12) "INS" means the Immigration and Naturalization Services agency within the United States Department of Justice charged with administering the immigration and naturalization laws of the United States.~~

(132) "Intercountry Adoption" (Continued)

~~(A)~~ ~~(Reserved)~~

~~(BA)~~ (Continued)

~~(CB)~~ (Continued)

1. through 2.a.(i) (Continued)

(j) Reserved

- (k) (4) ~~"Kinship Adoption Agreement" means a written agreement among a child's birth and adopting relatives pursuant to Family Code Section 8714.7.~~
Reserved
- (l) (1) "Legal Parent" means a birth parent, adoptive parent, presumed parent, or biological parent.
- (42) ~~"Licensed Adoption Agency" means licensed adoption agency~~ an agency licensed by the Department to provide adoption services as defined at Family Code ~~§~~section 8530.
- (3) "Live Scan" means technology that allows digitally scanned fingerprints and related information to be submitted electronically to the Department of Justice.
- (m) (1) "Medical or Mental Health Professional" means a licensed physician ~~and or~~ surgeon, a licensed clinical psychologist, a licensed clinical social worker, a person employed as a social worker by a county, or a licensed marriage, family, and child counselor.
- (2) "Medical Report" means the completed AD 512, which specifies the information about the child's medical and family background and any attached documents that are provided to the prospective adoptive parent(s).
- (A) through (A)8. (Continued)
- (n) (1) (Continued)
- (2) ~~"Noncustodial Adoption Agency" means noncustodial adoption agency~~ any licensed entity engaged in the business of providing adoption services, as defined at Family Code ~~§~~section 8533.
- (A) ~~(Reserved)~~
- (3) (Continued)
- (o) Reserved
- (p)(1) through (3) (Continued)
- (4) "Party State" means, for the purpose of the ICPC, a state or territory which is a member of the Interstate Compact on the Placement of Children.
- (5) (Continued)
- (A) ~~(Reserved)~~

- (6) "Personal Knowledge" means ~~personal knowledge as defined~~ substantially correct knowledge of information about the prospective adoptive parent(s) as described at Family Code §section 8801(b).
- 4-(A) Substantially correct means accurate in the agency's judgment.
- (7) "Petitioner" means a prospective adoptive parent who has filed an ~~adoption petition~~ Adopt 200 form with the superior court pursuant to Family Code §section 8802 for an independent adoption, ~~or pursuant to Family Code §section 8714 for an agency adoption, or pursuant to Family Code sections 8911 and 8912 for an intercountry adoption.~~
- (8) "Place for Adoption" means:
- (A) ~~f~~For the purpose of an agency adoption, the agency's placement of a child who has been freed for ~~adoptive~~ adoption placement either by relinquishment to the agency or by court order.
- (9) (B) ~~"Place for Adoption" means, f~~For the purpose of an independent adoption, ~~the placement of a child by a birth parent who, based on his or her personal knowledge, selected the prospective adoptive parents for the child and, if required, completed and signed the AD 924 means placed for adoption as defined at Family Code section 8539.~~
- (A) (Reserved)
- (109) "Placement" means, for the purpose of the ICPC:
- (A) In an agency adoption, the arrangement for the care of a child in a family that has been studied and approved for adoption ~~or,~~
- (B) In an independent adoption, the arrangement for the care of a child in a family that has had a valid preplacement interview completed by a licensed adoption agency.
- (10) "Post-adoption Contact Agreement" (Continued)
- (11) "Preplacement Evaluation" means preplacement evaluation as defined at Family Code section 8811.5.
- (142) ~~"Presumed Father Parent"~~ "Presumed Parent" means ~~father~~ a person, as defined at Family Code §sections 7540, 7571, 7576, and 7611.
- (123) "Prospective Adoptive Parent" means, ~~prospective adoptive parent~~ as defined at Family Code §section 8542, a person who has filed, or intends to file, an adoption petition to adopt a child who has been or who is to be placed in the person's physical care.

~~(A) (Reserved)~~

(q) Reserved

(r)(1) and (2) (Continued)

(3) "Receiving Agency in the ~~Relinquishment~~ Agency Adoptions Program" means, for the purpose of the ICPC, a licensed adoption agency, county adoption agency, or CDSS Adoptions ~~district~~ Office that is designated to receive any child from another party state for the purpose of adoption.

(4) "Relative" means, ~~for the purpose of an agency adoption with a kinship adoption agreement, an adopting relative as defined at Family Code Section 8714.7(c)~~ an adopting adult who is related to the child or the child's half-sibling by blood or affinity, including all relatives whose status is preceded by the words "step," "great," "great-great," or "grand" or the spouse of any of these persons, even if the marriage was terminated by death or dissolution.

(5) ~~"Relative" means, for the purpose of an independent adoption, an adopting relative as defined in Family Code Section 8802(a)(1).~~

(65) "Relinquishment Form" (Continued)

(76) "Relinquishment of a Child" means the action of a parent who signs a relinquishment form in which he or she surrenders custody, control and any responsibility for the care and support of the child to the ~~d~~Department, county adoption agency or any licensed ~~public or private~~ adoption agency pursuant to Family Code ~~S~~section 8700.

(87) "Rescission" (Continued)

(98) "Resident of a County in California" (Continued)

(109) "Responsible Public Agency" (Continued)

(140) "Revocation" means:

(A) In an agency adoption, an action taken by the parent who has signed a relinquishment, to nullify the relinquishment before it has been filed with the Department.

(B) In an independent adoption, the action taken by the parent who has signed a Consent to Adoption to nullify said consent.

(s) (1) "Secretary" (Continued)

- (2) ~~"Sending Agency in the Independent Adoptions Programs"~~ means, for the purpose of the ICPC, and consistent with the regulations adopted under the ICPC, one of the following:
- (A) In an agency adoption, a licensed adoption agency, county adoption agency, or CDSS Adoption Office that sends, brings, or causes to be sent or brought any child to another party state for the purpose of adoption.
 - (B) In an independent adoption, the birth parent(s), individual or other entity authorized by the laws of the sending state, who sends, brings, or causes to be sent or brought any child to another party state for the purpose of adoption.
- (3) ~~"Sending Agency in the Relinquishment Adoptions Program"~~ means, for the purpose of the ICPC, ~~a licensed adoption agency or CDSS Adoptions district office that sends, brings, or causes to be sent or brought any child to another party state for the purpose of adoption.~~
- (43) "Sending State in the Independent Adoptions Program" means, for the purpose of the ICPC, the state of residence of the ~~birth parent~~ sending agency placing a child for adoption in California. ~~The child being placed is deemed to have been brought into California from the sending state regardless of the child's place of birth, including California.~~
- (54) "Set Aside" (Continued)
- (6) ~~"Sibling" means a brother or sister of an adoptee who was born to the same birth parent or parents of the adoptee.~~
- (75) "Special Needs Child" (Continued)
- (A) ~~(Reserved)~~
 - (B) ~~(Reserved)~~
- (86) "Statewide ~~Median~~ Lower Income" means the California ~~median lower~~ income as projected and adjusted for family size by the ~~United States~~ California Department of Housing and ~~Urban~~ Community Development (HUD)
- (7) "Subsequent Arrest Notifications" means the notification of subsequent state or federal arrests or dispositions provided by the Department of Justice, pursuant to Penal Code section 11105.2.
- (t) (1) ~~Reserved~~ "Tribal Customary Adoption" means an adoption of an Indian child who is a dependent of a county court and, pursuant to Welfare and Institutions Code section 366.24, is finalized by and through the customs,

laws or traditions of the child's tribe. Termination of parental rights is not required to effectuate the adoption.

- (u) (1) ~~Reserved~~ "USCIS" means the United States Citizenship and Immigration Services within the United States Department of Homeland Security.
- (v) (1) ~~Reserved~~ "Valid Preplacement Evaluation" means, for the purpose of an independent adoption, a written assessment and evaluation of the prospective adoptive parent(s), completed no more than one year prior to the signing of the adoption placement agreement, certifying suitability to be an adoptive parent consistent with regulation Sections 35087 through 35094.
- (2) "Valid Private Agency Adoption Home Study" means, for the purpose of an independent adoption, a home study approved by a licensed private adoption agency that is less than two years old at the time of filing a petition.
- (3) "Voluntary Declaration of Paternity" means voluntary declaration of paternity as defined at Family Code section 7571.
- (w) (1) ~~"Waiver" means the action taken by the department eliminating the need for the report required of the department when the agency is a party to or has joined in the petition for adoption. Reserved~~

(x) through (z) (Continued)

Authority cited: Sections 10553, 10553.1, 10554 and 16118, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8619, 8621 and 8901, Family Code.

Reference: Sections 366.26, 10800, 16000, 16100, 16115, 16118, 16119, 16120, 16120.1 and 16121, Welfare and Institutions Code; Sections ~~3044~~, 6500, 7002, 7540, 7550, 7551, 7551.5, 7552, 7552.5, 7553, 7554, 7555, 7556, 7557, 7558, 7571, 7576, 7601, 7602, 7610, 7611, 7612, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7669, 7802, 7807, 7808, 7820, 7821, 7822, 7823, 7824, 7825, 7826, 7827, ~~7828, 7829~~, 7890, 7892, 7893, 8502, 8503, 8506, 8509, 8512, 8513, 8514, 8515, 8518, 8521, 8524, 8527, 8530, 8533, 8539, 8542, 8545, 8600, 8609.5, 8616.5, 8620(f), 8632.5, 8700, 8706, 8714, 8801(b), 8802, 8811, 8811.5, 8817, 8909, 8912 and 9202, Family Code; Sections 1502, 1505.2, 1506(d), 123800 et seq., Health and Safety Code; Sections ~~1502(a)(9) and (10) and~~ 13290, Government Code; 8 U.S.C. 1101(b)(1)(F); 25 U.S.C. 1901, 1903(2), (3), (4), (5), (6), (8), (9), (11), and (12); 42 U.S.C. 673 and 675; Sections 11105(a)(2)(A), 11105.2 and 11170, Penal Code; 28 CFR Section 16.31; and 45 CFR 1356.41(i).

Amend Section 35001 to read:

35001 DEFINITIONS - FORMS

35001

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 2, Subdivision 4, Chapter 3 (Adoption Program Regulations).

(a)(1) through (6) (Continued)

- (7) "AD 1A" (~~1/95~~ 4/15) means the form entitled, "Parental Consent to Adoption ~~by Parent(s) in (In or Out-of-California).~~"
- ~~(8) "AD 1C" (1/95) means the form entitled, "Consent to Adoption by Parent(s) Outside California."~~
- ~~(98)~~ "AD 1F" (~~1/95~~ 4/15) means the form entitled, "Parental Consent to Adoption ~~by Parent(s)~~ (Outside California in the Armed Forces)."
- ~~(9)~~ "AD 8" (10/01) means the form entitled, "Marriage/Divorce Verification."
- ~~(10)~~ "AD 9" (11/07) means the form entitled, "Independent Adoption Questionnaire."
- ~~(11)~~ "AD 10" (9/03) means the form entitled, "Request for Reference."
- ~~(102)~~ "AD 20" (~~2/93~~ 4/15) means the form entitled, "Refusal to Give Parental Consent to Adoption (Birth Mother/Presumed/Biological Father/Legal Parent)."
- ~~(143)~~ "AD 20B" (~~4/92~~ 5/15) means the form entitled, "Refusal to Give Parental Consent to Adoption - Alleged ~~Natural~~ Father".
- ~~(124)~~ "AD 42 I" (~~7/95~~ 3/02) means the form entitled, "Independent Adoption Program - Individual Case Report."
- ~~(13)~~ "~~AD 42 ICA" (7/95) means the form entitled, "Intercountry Adoption Program - Individual Case Report."~~
- ~~(145)~~ "AD 42R" (Continued)
- ~~(16)~~ "AD 65" (2/02) means the form entitled, "Parent's Authorization for Medical and Surgical Care."
- ~~(157)~~ "AD 67" (~~6/95~~ 5/15) means the form entitled, "Information About the Birth Mother."

- (168) "AD 67A" (~~6/95~~ 7/15) means the form entitled, "Information About the Birth Father."
- (19) "AD 70" (11/15) means the form entitled, "Adoption Facilitator Registry Application."
- (20) "AD 71" (11/15) means the form entitled, "Adoption Facilitator Registry – Trainee Application."
- (21) "AD 72" (11/15) means the form entitled, "Adoption Facilitator Complaint Form."
- (~~17~~22) "AD 90" (~~4/94~~ 6/13) means the form entitled, "Supporting Information for Issuance of California Department of Social Services Acknowledgment and Confirmation of Receipt of Child Freeing Documents."
- (~~18~~23) "AD 100" (~~12/93~~ 7/10) means the form entitled, "Authorization for Release Use and/or Disclosure of Information Independent Adoption Program."
- (~~19~~24) "AD 165" (~~4/95~~ 3/15) means the form entitled, "Presumed Father's Consent to Adoption by Parent in California When Legal Father Denies Denying He is the Natural Biological Father (In or Out-of-California)."
- (~~20~~) ~~"AD 166" (1/95) means the form entitled, "Consent to Adoption by Father Outside California."~~
- (~~24~~5) "AD 501 ENG/SP" (Continued)
- (~~22~~6) "AD 501A ENG/SP" (Continued)
- (~~23~~7) "AD 503 ENG/SP" (Continued)
- (~~24~~8) "AD 504 ENG/SP" (Continued)
- (~~25~~9) "AD 508 ENG/SP" (Continued)
- (~~26~~30) "AD 512" (~~7/98~~ 1/14) means the form entitled, "Psychosocial and Medical History of Child."
- (~~27~~31) "AD 551A" (Continued)
- (~~28~~32) "AD 558" (Continued)
- (~~29~~33) "AD 580" (Continued)
- (~~30~~4) "AD 583 Eng/Sp" (Continued)
- (~~31~~5) "AD 584 Eng/Sp" (Continued)

- (32) ~~"AD 585 Eng/Sp" (8/95) means the form entitled, "Relinquishment (Presumed Father Denies He is the Birth Father)."~~
- (336) "AD 586 Eng/Sp" (Continued)
- (347) ~~"AD 588 Eng/Sp" (6/98 4/15) means the form entitled, "Denial of Paternity by Alleged Natural Father – (In or Out-of-California)."~~
- (358) ~~"AD 590 Eng/Sp" (6/98 4/15) means the form entitled, "Waiver of Right to Further Notice of Adoption Planning (Alleged Natural Father In or Out-of-California)."~~
- (369) "AD 591 Eng/Sp" (Continued)
- (3740) "AD 593" (Continued)
- (3841) ~~"AD 594" (4/95 3/15) means the form entitled, "Alleged Father's Consent to Adoption by Alleged Natural Father (In or Out-of-California)."~~
- (3942) "AD 824" (Continued)
- (403) "AD 830" (Continued)
- (41) ~~"AD 831" (7/87) means the form entitled, "Private Adoption Agency Cost Justification for Adoptive Placement."~~
- (424) ~~"AD 842" (4/95 7/15) means the form entitled, "Alleged Father's Consent to Adoptive Placement by Alleged Natural Father Adoption (Outside California in the Armed Forces)."~~
- (435) ~~"AD 859" (4/95 8/15) means the form entitled, "Parental Consent to Adoption of Indian Child by Parent(s) (i)n or eOut-of-California)."~~
- (446) ~~"AD 860" (4/95 8/15) means the form entitled, "Presumed Father's Consent to Adoption of Indian Child by Presumed Father (i)n or eOut-of-California)."~~
- (457) ~~"AD 861" (6/95 8/15) means the form entitled, "Alleged Father's Consent to Adoption of Indian Child by Alleged Natural Father (In or Outside-of-California)."~~
- (468) "AD 862" (Continued)
- (479) "AD 863" (Continued)
- (4850) "AD 864" (Continued)

- (49) ~~"AD 865" (1/92) means the form entitled, "Relinquishment of Indian Child (Birth Mother and/or Presumed Father) Out of County."~~
- (501) "AD 866" (Continued)
- (542) "AD 867" (Continued)
- (523) "AD 868" (Continued)
- (53) ~~"AD 873" (7/95) means the form entitled, "Relinquishment of Indian Child (Presumed Father Denies He is Birth Father) Out of County."~~
- (54) "AD 880" (7/98 9/15) means the form entitled, "Declaration of Mother."
- (55) "AD 885" (Continued)
- (56) "AD 885A" (Continued)
- (57) "AD 885C" (Continued)
- (58) "AD 885D" (Continued)
- (59) "AD 887" (3/97 3/18) means the form entitled, "Statement of Understanding - Independent Adoptions Program (Parent Who Gave Physical Custody (Custodial Parent) of the Child to the Prospective Adoptive Parent(s))."
- (60) "AD 887A" (3/97 3/18) means the form entitled, "Statement of Understanding - Independent Adoptions Program (Parent Who Did Not Give Physical Custody (Non-Custodial Parent) of the Child to the Prospective Adoptive Parent(s))."
- (61) "AD 887B" (3/97 3/18) means the form entitled, "Statement of Understanding - Independent Adoptions Program (Alleged ~~Natural~~ Father)."
- (62) "AD 898" (1/11) means the form entitled, "Consent of CDSS or Delegated County Adoption Agency - Independent Adoptions Program."
- (623) "AD 899" (Continued)
- (634) "AD 899A" (Continued)
- (645) "AD 899C" (Continued)
- (656) "AD 899D" (Continued)

- (667) "AD 900" (4/95 3/18) means the form entitled, "Statement of Understanding - Independent Adoptions Program (Parent Who Gave Physical Custody (Custodial Parent) of the Indian Child to the ~~Adoptive Parents~~ Petitioner(s))."
- (678) "AD 900A" (4/95 3/18) means the form entitled, "Statement of Understanding - Independent Adoptions Program (Parent Who Did Not Give Physical Custody (Non-Custodial) of the Indian Child to the ~~Adoptive Parents~~ Petitioner(s))."
- (689) "AD 900B" (4/95 3/18) means the form entitled, "Statement of Understanding - Independent Adoptions Program (Alleged ~~Natural~~ Father of Indian Child)."
- (6970) "AD 904" (2/94 7/11) means the form entitled, "Consent for Contact."
- (701) "AD 904A" (4/94 12/10) means the form entitled, "Waiver of Rights to Confidentiality of ~~Adoption Records~~ for Siblings."
- (72) "AD 904B" (1/11) means the form entitled, "Waiver of Rights to Confidentiality for Siblings – Under the Age of 18."
- (743) "AD 907" (Continued)
- (724) "AD 908 ~~Eng/Sp~~" (4/98 9/15) means the form entitled, "Adoptions Information Act Statement."
- (75) "AD 908A" (1/11) means the form entitled, "Adoptions Information Act Statement (Adult Adoptee (age 21 or older))."
- (736) "AD 909" (Continued)
- (74) ~~"AD 920 Eng/Sp" (2/93) means the form entitled, "Relinquishment – In or Out of County (Alleged Natural Father in California) – Parent Identifying Adopting Parent(s)."~~
- (75) ~~"AD 921 Eng/Sp" (1/93) means the form entitled, "Relinquishment (Birth Mother and/or Presumed Father) – Parent Identifying Adopting Parent(s)."~~
- (76) ~~"AD 922 Eng/Sp" (3/97) means the form entitled, "Relinquishment Addendum for Parent Identifying Adopting Parent(s)."~~
- (77) "AD 924" (3/95 5/15) means the form entitled, "Independent Adoption Placement Agreement."
- (78) "AD 925" (4/95 8/15) means the form entitled, "Independent Adoption Placement Agreement – (Indian Child)."

- (79) "AD 926" (~~3/97~~ 1/18) means the form entitled, "Statement of Understanding - Independent Adoption Program (Parent Who Signs Independent Adoption Placement Agreement Places the Child with the Prospective Adoptive Parent(s))."
- (80) "AD 927" (~~1/95~~ 3/18) means the form entitled, "Statement of Understanding - Independent Adoption Program (Parent of Indian Child Who Signs Independent Adoption Placement Agreement Places the Child with the Prospective Adoptive Parent(s))."
- (81) "AD 928" (~~3/97~~ 7/02) means the form entitled, "Revocation of Consent - Independent Adoption Program."
- (82) "AD 929" (~~5/97~~ 11/16) means the form entitled, "Waiver of Right to Revoke Consent - Independent Adoption Program."
- (83) "AD 930" (~~1/95~~ 7/11) means the form entitled, "Independent Adoption Placement Agreement Transmittal."
- (84) "AD 4310" (Continued)
- ~~(85) "AD 4311" (1/98) means the form entitled, "Information on American Indian Child (Adoption Program)."~~
- (865) "AD 4317" (Continued)
- ~~(876)~~ "AD 4320" (Continued)
- (887) "AD 4333" (~~6/96~~ 8/14) means the form entitled, "Acknowledgement and or Confirmation of Receipt of Relinquishment Child Freeing Documents."
- (898) "AD 4336" (~~4/97~~ 4/15) means the form entitled, "Presumed Father's Consent to Adoption by Presumed Father in Armed Forces– When Denying He is the Biological Father (Outside of California, Denies He is Natural Father in the Armed Forces)."
- (89) "ADM 36" (6/99) means the form entitled, "Medical Report Regarding Child to be Adopted."

HANDBOOK BEGINS HERE

AAP, AD, AAP ADM, FC, and ICPC forms are available through the Department's website at:

www.cdss.ca.gov

For translated forms that are not listed on the Department's website contact the Child Youth and Permanency Branch Forms Coordinator for

Agency Adoption forms at (916) 657-1858. ~~Email address: Concurrent Planning Policy Unit@dss.ca.gov.~~ For Independent Adoption forms contact the Children's Services Operations and Evaluation Branch Forms Coordinators at (916) 651-8089.

HANDBOOK END HERE

- (b) (1) ~~"BID 7-A" (5/90) means the fingerprint card.~~
"BCIA 8016" (1/2011) means the form entitled, "Request for Live Scan Service."
- (2) "BCIA 8302" (8/2016) means the form entitled, "No Longer Interested (NLI) Notification (For Non-Department of Justice Applicants)."
- (3) "BCII 9004" (3/05) means the form entitled, "Request for Exemption from Mandatory Electronic Fingerprint Submission Requirement."

HANDBOOK BEGINS HERE

BCIA, BCII and FD approved forms are available at the California Department of Justice website at:

www.oag.ca.gov

HANDBOOK ENDS HERE

- (c) Reserved
- (d) (1) ~~"DHS 6155" (10/90) means the form entitled "Health Insurance Questionnaire."~~ Reserved
- (e) Reserved
- (f) (1) ~~Reserved (3)~~ "FC 3" (2/92 11/04) means the form entitled, "Determination of Federal AFDC-FC Eligibility."
- (2) ~~Reserved (8)~~ "FC 8" (7/11) means the form entitled, "Federal Eligibility Certification for Adoption Assistance Program."
- (4) ~~Reserved (3)~~ "FC 10" (8/09) means the form entitled, "Income and Property Checklist for Federal Eligibility Determination - Adoption Assistance Program."
- (4) ~~Reserved~~ "FD 258" (9/9/13) means the fingerprint card.
- (5) ~~Reserved~~
- (6) ~~Reserved~~

- ~~(7)~~ Reserved
- ~~(9)~~ Reserved
- (g) Reserved
- (h) Reserved
- (i)
 - (1) "ICPC 100A" (~~40/94~~ 8/2001) means the form entitled, "Interstate Compact ~~Application~~ On The Placement Of Children Request to ~~Place Child~~."
 - (2) "ICPC 100B" (~~7/92~~ 8/2001) means the form entitled, "Interstate Compact On The Placement of Children Report on Child's Placement Status."
 - (3) "I-600" (~~5/83~~ 02/15) means the form entitled, "Petition to Classify Orphan as an Immediate Relative."

HANDBOOK BEGINS HERE

For the I-600 form, contact the Department of ~~Immigration and Naturalization Service~~ Homeland Security.

HANDBOOK ENDS HERE

- (j) Judicial Council Forms to Finalize Adoptions
 - (1) "Adopt-200" (~~4/99~~ 1/16) means the form entitled, "~~Petition for~~ Adoption Request."
 - (2) "Adopt-210" (~~4/99~~ 1/16) means the form entitled, "~~Petitioner Consent and Adoption Agreement to Adoption~~."
 - (3) "Adopt-215" (~~4/99~~ 1/16) means the form entitled, "~~Order of~~ Adoption Order."
 - (4) "Adopt-220" (~~4/99~~ 7/10) means the form entitled, "~~Attachment to Petition for Adoption -~~ Adoption of an Indian Child."
 - (5) "Adopt-225" (1/05) means the form entitled, "Parent of Indian Child Agrees to End Parental Rights."
 - ~~(56)~~ "Adopt-230" (~~4/99~~ 1/07) means the form entitled, "~~Accounting Report -~~ Adoptions Expenses."
 - ~~(67)~~ "Adopt-310" (~~4/99~~ 1/03) means the form entitled, "~~Kinship~~ Contact after Adoption Agreement."

- (8) "ICWA-010(A)" (1/08) means the form entitled, "Indian Child Inquiry Attachment."
- (9) "ICWA-020" (1/08) means the form entitled, "Parental Notification of Indian Status."
- (10) "ICWA-030" (1/08) means the form entitled, "Notice of Child Custody Proceeding for Indian Child."
- (11) "ICWA-030(A) (1/08) means the form entitled, "Attachment to Notice of Child Custody Proceedings for Indian Child."
- (712) "JV-505" (4/99 1/08) means the form entitled, "Statement Regarding Paternity Parentage" (Juvenile Dependency).

HANDBOOK BEGINS HERE

~~For the Judicial Council of California Approved Forms, contact the Superior Court Clerk's Office in the appropriate county.~~

ADOPT, ICWA and JV forms are available on the California Courts, The Judicial Branch of California website at:

<http://www.courts.ca.gov/forms.htm>

HANDBOOK ENDS HERE

(k) through (u) Reserved

- (v) (1) "VS 44" (4/94 1/16) means the form entitled, "Court Report of Adoption."

HANDBOOK BEGINS HERE

~~DHS 6155 and The VS 44 forms are is available through from the Department of Public Health Services~~ at the following address:

~~Office of Vital Records-M.S. 5103
304 S Street P.O. Box 997410
Sacramento, CA 95844 95899-7410~~

~~Telephone Number is (916) 324-6001 445-2684~~

~~Orders may also be sent by FAX to (916) 227-8417.~~

HANDBOOK ENDS HERE

(w) through (z) Reserved

Authority cited: Sections 10553, 10554, 16118 and 16120, Welfare and Institutions Code; and Sections 8608, 8619, 8621, and 8901, Family Code.

Reference: Sections 16105, 16118 and 16120.05, Welfare and Institutions Code; Sections 7660.5, 7663, 7667, 8500 et seq., 8600 et seq., 8700 et seq., 8800 et seq., 8900 et seq., 9100 et seq. and 9200 et seq., Family Code; Section 1283, Health and Safety Code; Sections 1183 and 1183.5, Civil Code; California Rules of Court, rules 5.481 and 5.482.

Amend Section 35002 to read:

35002 ~~INITIALING~~ MAKING CORRECTIONS OR ALTERATIONS TO 35002
 THE RELINQUISHMENT OR CONSENT FORM

(a) The relinquishment or consent form shall not be corrected or altered unless the correction or alteration is initialed by all of the following:

 (1) through (3) (Continued)

 (4) The witnesses to the relinquishment (only in an agency adoption).

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections 8700, 8801.3, ~~and~~ 8806, and 8814, Family Code.

Amend Section 35003 to read:

35003 ~~RELINQUISHMENT AND CONSENT PROCEDURES FOR~~ 35003
PARENTS WHO CANNOT READ ENGLISH OR CANNOT READ
ANY LANGUAGE

- (a) If the parent signing the relinquishment, consent, or statement of understanding form cannot read English but does read his or her native language, the agency or adoption service provider shall:
- (1) Provide all relinquishment, consent, and statement of understanding forms written in the parent's native language.
- (A) The agency or adoption service provider (ASP) shall contact the ~~d~~Department's Adoptions Branch Forms Coordinator to obtain a copy of the appropriate forms translated into the parent's native language. If the form is not available in the parent's native language, the Department will arrange for the translation of the forms.

HANDBOOK BEGINS HERE

1. ~~If a relinquishment, consent, or statement of understanding form is not available in the parent's native language, the department's Adoption Branch Forms Coordinator will arrange for the translation of the forms into the parent's native language.~~
- For Independent Adoption Program forms, the investigating agency or ASP should contact the CDSS Adoptions Services Bureau at (916) 651-8089.
- For Agency Adoption Program forms, the agency should contact the CDSS Permanency Policy Bureau at (916) 657-1858.

~~(B)~~ • (Continued)

HANDBOOK ENDS HERE

- ~~(2) Provide for the written translation of the forms into the parent's native language when such forms cannot be obtained from the department within a reasonable time.~~
- ~~(A) The agency or adoption service provider shall permit the parent to provide the translator.~~

~~1. The agency or adoption service provider shall inform the parent that forms shall be translated by a certified translator who shall:~~

~~a. Attach the English version of the form to the translated form, and~~

~~b. Include a signed statement attesting to the accuracy of the translation.~~

~~2. The agency or the adoption service provider shall submit the translated forms to the department's Adoption Branch Forms Coordinator to determine the accuracy of the translation before using the forms.~~

~~(B) If the parent cannot provide a translator, the agency shall provide a translator.~~

~~1. An employee of the agency may translate the forms in writing if he or she:~~

~~a. Is a certified translator.~~

~~(i) The translator shall attach the English version of the form to the translated form, and~~

~~(ii) Include a signed statement attesting to the accuracy of the translation.~~

~~b. Is not responsible for the provision of any adoption services to the relinquishing or consenting parent or the prospective adoptive parents.~~

~~2. The agency shall submit the translated forms to the department's Adoption Branch Forms Coordinator to determine the accuracy of the translation before using the forms.~~

(b) If the parent signing the relinquishment, consent, or statement of understanding form cannot read any language, the agency or adoption service provider shall:

(1) Provide for the reading of all forms to the parent in a language understood by the parent.

(A) If the parent does not understand English, the reading shall be from the forms shall be translated into the parent's native language before the reading by the Department pursuant to section 35003(a)(1)(A).

HANDBOOK BEGINS HERE

1. ~~Refer to Sections 35003(a)(1) and (2) for the process to obtain a written translation of the forms before the parent signs the forms.~~

HANDBOOK ENDS HERE

- (2) Permit the parent to provide the an adult reader.
- (3) Provide the reader if the parent cannot provide the reader.
 - (A) If the reader is an employee of the agency, he or she shall not be responsible for providing any adoption services to the relinquishing or consenting parent(s) or the prospective adoptive parents(s).
- (4) and (5) (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections 7660.5, 7663, 7667, 8700, 8700.5, 8702, 8801.3, 8801.5, and 8806, 8808, 8814, 8814.5, and 8818, Family Code.

Amend Section 35021 to read:

35021 COMPLIANCE WITH CCR REQUIREMENTS FOR THE STAFFING OF ADOPTION AGENCIES 35021

- (a) The agency shall comply with Title 22, California Code of Regulations, Division 6, Chapter 9, Articles 1 and 2.

HANDBOOK BEGINS HERE

~~(1) These sections of the California Code of Regulations which are relevant to the recruitment and maintenance of the agency's staff read as follows can be found on the Westlaw website at:~~

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=ID994DCA0D4BE11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=ID994DCA0D4BE11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

~~89140 GENERAL PERSONNEL REQUIREMENTS 89140~~

~~The number of staff shall be adequate for the scope of the homefinding or adoption agency's services.~~

~~89143 PROFESSIONAL STAFF QUALIFICATION - HOMEFINDING AND ADOPTION AGENCIES 89143~~

~~Staff members shall be qualified for their responsibilities by education, training, experience, personality, and health.~~

~~89146 EXECUTIVE DIRECTOR QUALIFICATIONS - PRIVATE HOMEFINDING AND ADOPTION AGENCIES 89146~~

- ~~(a) The executive director shall have professional training in the field of child or family welfare, or have demonstrated ability and leadership through experience as an executive in the field of child or family welfare.~~
- ~~(b) When the function of the agency requires it, the executive director shall be qualified for the additional duties he may have to assume, such as supervision of casework services.~~

~~89149 EXECUTIVE DIRECTOR RESPONSIBILITY AND DUTIES - PRIVATE AND PUBLIC HOMEFINDING AND ADOPTION AGENCIES 89149~~

- ~~(a) Private and Public Agencies. The executive director shall be responsible for the operation of the agency and shall be held accountable for it. He may delegate his authority but not his responsibility.~~

- (b) ~~Private Agencies. The duties of the executive director shall include:~~
- ~~(1) Appointing and dismissing staff, and working closely with the personnel committee of the Board.~~
 - ~~(2) Attending all regular Board meetings and committee meetings of the Board, making reports concerning agency activities, and interpreting recognized standards of out-of-home care and adoption services to the Board.~~
 - ~~(3) Holding regular staff meetings to discuss plans and policies.~~
 - ~~(4) Organizing and carrying out a program of staff development for all staff members, and arranging for attendance of staff at social work conferences and other meetings which assist in professional growth and effectiveness.~~
 - ~~(5) Carrying out a homefinding and placement program or an adoptive program in conformity with recognized standards.~~
 - ~~(6) Providing leadership and stimulation in community planning for child and family welfare.~~
- (c) ~~Public Agencies. The duties of the executive director shall include all responsibilities listed for the executive director of a private agency where applicable.~~

89152 SUPERVISORY PERSONNEL

89152

- (a) ~~Responsibility. Each supervisory employee in an adoption or homefinding agency shall be responsible for the performance of assigned staff.~~
- (b) ~~Qualification Requirements. Supervisory employees shall have the following qualifications.~~
- ~~(1) Public Agency. Supervisors shall be qualified for their responsibilities by education and experience, the minimum of which shall be either:~~
 - ~~(A) Possession of a master's degree from an accredited graduate school of social work or completion of all work toward a degree except the thesis, and three years of full-time social work employment; or~~
 - ~~(B) One year of experience as a Social Service Practitioner II or two years of experience as a Social Service Practitioner I, or their equivalent, in a California county welfare department.~~
 - ~~(2) Private Agency. Supervisors shall be qualified for their responsibilities by education and experience, the minimum of which shall be possession of a~~

~~master's degree from an accredited graduate school of social work or completion of all work toward the degree except the thesis, and either:~~

- ~~(A) Three years of full-time social work employment in the field of family or child welfare; or~~
- ~~(B) Two years of full-time social work employment in a licensed homefinding or adoption agency.~~
- ~~(3) Optional Requirement -- Homefinding Agency. In a public or private homefinding agency, a master's degree in behavioral science from an accredited graduate school as the only requirement for supervisory personnel may be authorized by the Department if the agency has Department approved in-service training and staff development programs for staff not possessing formal social work training.~~

89155 SOCIAL WORK PERSONNEL

89155

- ~~(a) Social workers shall be employed to provide the social services in the agency's homefinding or adoption program.~~
- ~~(b) Except as otherwise provided, the minimum educational requirement for social worker shall be a master's degree from an accredited graduate school of social work or completion of all work toward a degree except the thesis. There shall be no waiver of this requirement as a condition of initial licensure. Waivers of the graduate education may be authorized by the Department if the agency has demonstrated a substantial and consistent effort to recruit and retain an adequate number of social workers with graduate training, and a selective certification or hiring plan is in effect whereby social workers possessing the qualifications shall be employed first.~~
- ~~(c) Optional Requirements - Public Agencies. Upon approval of waiver and except as provided in this section, the Department may authorize a public homefinding or adoption agency to use one or more of the following optional qualification requirements in the order given:~~
 - ~~(1) Graduation from college, and either:~~
 - ~~(A) One year of experience as a Social Service Worker II, or its equivalent, in a California county welfare department; or~~
 - ~~(B) Two years of social work experience in a public welfare agency; one year of graduate education which was completed as part of the candidacy for a master's degree in social work may be substituted for one year of the required experience.~~
 - ~~(2) Graduation from college with a major in social welfare; or graduation from college with a major other than social welfare and either:~~

- (A) ~~One year of experience in a public or private agency performing duties comparable to a Social Service Worker I. One year of graduate study which was completed as part of the candidacy for a master's degree in social work may be substituted for the required experience; or~~
- (B) ~~One year of experience as a Social Service Worker I, or its equivalent, in a California county welfare department. Completion of a Department approved in-service training course or completion of an undergraduate major in a field closely related to social welfare may be substituted for six months of the required experience.~~
- (d) ~~Optional Requirements -- Private Agencies. Upon approval of waiver, and except as provided in this section, the Department may authorize a private homefinding or adoption agency to use the optional requirement of graduation from college and two years of social work experience in a social service agency. One year of graduate education in social work, or completion of an undergraduate major in social welfare may be substituted for one year of the required experience. Completion of a Department approved in-service training course, or completion of an undergraduate major in a field closely related to social welfare may be substituted for six months of the required experience. In all cases, however, a minimum of one year of experience shall be required under these substitution patterns.~~
- (e) ~~Additional Optional Requirement -- Public and Private Homefinding Agency. In a homefinding agency, the Department may authorize the provision of social services by a person with a baccalaureate degree in a behavioral science from an accredited college or university, provided that direct supervision is given by a social worker meeting the requirements contained in Section 89152 of these regulations.~~
- (f) ~~Additional Waiver Option for Both Public and Private Adoption or Homefinding Agencies. Graduation from college as the only requirement for social work personnel may be authorized if the agency has Department approved in-service training and staff development programs for staff recruited at this level.~~

89158 ~~NUMBER OF STAFF~~

89158

~~Professional and clerical staff shall be sufficient in number to perform the functions of the homefinding or adoption agency.~~

- (a) ~~In addition to the general requirements there shall be written personnel policies for homefinding and adoption agencies which include, but are not limited to the following:~~
- ~~(1) Employment and tenure of staff shall be based solely on competence.~~
 - ~~(2) Copies of all regulatory material needed in the performance of their functions shall be available.~~
 - ~~(3) Staff shall be appropriately used through the development of a staffing plan based on all classifications used and showing the functions of each classification. The plan shall show the way aides and volunteers are to be used and to whom they are responsible.~~
 - ~~(4) Personnel policies, salaries and working conditions shall be such as to attract and hold competent, well-qualified staff.~~
 - ~~(5) Regular in-service training shall be provided."~~

HANDBOOK ENDS HERE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 16100, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Amend Section 30537 to read:

35037 FEES

35037

- (a) Adoption agencies shall comply with the requirements of Title 22, California Code of Regulations, Division 6, ~~Section~~ 89137(b) and Family Code ~~Sections~~ 8716, 8810, 8907, and 9203(~~ef~~).
- (b) ~~Adoption agencies shall collect fees for~~ The applicant or petitioner is responsible for any fees required to obtain criminal record clearances, pursuant to Family Code ~~Sections~~ 8712(d), 8811(d) and 8908(d).
 - (1) ~~When~~ If the adoption agency or the Department defers, waives, or reduces the fee to be paid by the applicant or petitioner, the adoption agency or the Department is responsible for payment of the fees to the Department of Justice, excluding any live scan site fee that may be charged.

Authority cited: Sections 10553, and 10554 ~~and 16148(a)~~, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621, 8901 and 9203(f), Family Code.

Reference: Sections 8712(~~ed~~), 8716, 8810, 8811(~~ed~~), 8907, 8908(~~ed~~) and 9203(f), Family Code; and Section 89137(b), Title 22, California Code of Regulations.

Repeal Section 35043:

35043 MATERNITY CARE

35043

- (a) ~~If the licensed public adoption agency uses its adoption program allocation to assist the birth mother with the cost of private medical and/or hospital care the following conditions shall be met:~~
- ~~(1) The birth mother is financially unable to pay for private medical and/or hospital care.~~
 - ~~(2) The birth mother is not eligible for Medi-Cal.~~
 - ~~(3) The use of other public medical resources is not indicated.~~
- (b) ~~The licensed public adoption agency shall utilize adoption program funds only when no other resource is available.~~
- (c) ~~The licensed public adoption agency shall determine that the mother is considering adoption at the time of approval for maternity care.~~

HANDBOOK BEGINS HERE

- (1) ~~For purposes of receiving maternity care, the mother may be married or unmarried.~~

HANDBOOK ENDS HERE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 35045 to read:

35045 COMPLIANCE WITH CCR REQUIREMENTS FOR CONTENT 35045
OF CASE RECORD

- (a) Adoption agencies shall comply with the requirements of Title 22, California Code of Regulations, Division 6, Chapter 9, Article 2, Sections 89179 and 89182.

HANDBOOK BEGINS HERE

These sections of the California Code of Regulations can be found on the Westlaw website at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IDC586970D4BE11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IDC586970D4BE11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

HANDBOOK ENDS HERE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 1530, Health and Safety Code; Section 1798, Civil Code; and Sections 89179 and 89182, Title 22, California Code of Regulations

Amend Section 35047 to read:

35047 ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS 35047

- (a) In addition to the requirements of Title 22, California Code of Regulations, Sections 89179 and 89182, adoption case records shall contain the following, ~~as appropriate:~~
- (1) In the Independent and Agency Adoption Programs, the case record shall include:
 - (1) (A) All documentation pertaining to freeing the child for adoption as ~~required by Subchapter 2, Article 5~~ including but not limited to the relinquishment, adoption placement agreement or consent to adoption, and any orders terminating parental rights.
 - (2) (B) All documentation pertaining to the translation and/or reading and/or correction of forms including the recordings of any reading of consent and relinquishment forms as required by Subchapter 2, Article 1.
 - (3) (C) All documentation pertaining to the unavailability of ~~verifying~~ official documents as required by Section 35044.
 - (4) Section renumbered to 35047(a)(3)(A)
 - (5) Section renumbered to 35047(a)(3)(C)
 - (6) Section renumbered to 35047(a)(3)(D)
 - (7) Section renumbered to 35047(a)(3)(E)
 - (8) (D) Copies of all requests for disclosure of information from the adoption case record.
 - (9) (E) All documentation of ~~eligibility for the~~ Adoption Assistance Program (AAP) eligibility requirements as required by Subchapter 7, Article 2.
 - (10) (F) A copy of the signed AD 4320.
 - (11) Section renumbered to 35047(a)(3)(F)
 - (A) ~~Form AD 90.~~
 - (B) ~~Form AD 551A.~~

- (C) ~~All forms signed by the relinquishing parent which pertain to the relinquishment of the child for adoption including Statements of Understanding.~~
- (D) ~~Form AD 588.~~
- (E) ~~Form AD 590.~~
- (F) ~~Form AD 558.~~
- (G) ~~Documentation of action taken in another state to free the child.~~
- (H) ~~Form AD 4333.~~
- (I) ~~Form AD 4311 and copies of any responses from Bureau of Indian Affairs (BIA) or the child's tribe.~~
- (J) ~~Forms AD 165 and 166.~~
- (K) ~~Section renumbered to 35047(a)(1)(S)~~
- (L) ~~Section renumbered to 35047(a)(1)(T)~~
- (12) (G) Copies of requests for medical background information under as required by Family Code Sections 8706, 8817, or 8909.
- (21) (H) A copy of the receipt written acknowledgment signed by the prospective adoptive parent(s)/petitioner(s) acknowledging confirming receipt of initial and updated medical background information on the child and birth parent(s).
- (13) (I) Copies of medical background information transmitted to an adoptee and adoptive parent at time of placement under as required by Family Code Sections 8706, 8817, 8909, and 9202.
- (14) (J) The signed Ccopies of requests for any AD 908 forms and/or the AD 908A form requesting identifying information under pursuant to Family Code Section 9203.
- (15) (K) Copies of identifying information provided to the adoptee under pursuant to Family Code Section 9203.
- (16) (L) Copies of waivers of the right to confidentiality of adoption case records any signed AD 904 forms allowing for contact information to be released under pursuant to Family Code Section 9204.

HANDBOOK BEGINS HERE

(A) This form is the AD 904.

HANDBOOK ENDS HERE

- (17) ~~Copies of the birth parents' authorizations for the release of medical background information as required by Section 35023(a).~~
- (M) Any copies of the signed AD 904A or 904B forms allowing contact with siblings as permitted by Family Code section 9205.
- (N) If parties have entered into a postadoption contact agreement, a copy of the signed form ADOPT-310 "Contact After Adoption Agreement."
- (18) (O) If applicable, Documentation of any attempt to place the child in accordance with the ICWA placement preferences.
- (P) Forms ICWA-010(A) and ICWA-020.
- (Q) If applicable, form ICWA-030 and a copy of the registered or certified mailing, any Court determination, copies of any responses from the tribe(s) and copies of any responses from the Bureau of Indian Affairs.
- (19) (R) A copy of the notice to the parent of an Indian child in the event that the adoptive petition is withdrawn, dismissed, or denied, or the adoption is set aside.
- (a)(11)(K) (S) If applicable, Form ICPC 100A, if applicable.
- (a)(11)(L) (T) If applicable, Form ICPC 100B, if applicable.
- (20) ~~A copy of the Interstate Compact on the Placement of Children (ICPC) acknowledgement/waiver.~~
- (21) Section renumbered to 35047(a)(1)(H)
- (22) (U) Copies of letters of reference regarding the suitability of applicant(s)/petitioner(s) to be adoptive parent(s).
- (A) 1. Documentation of face-to-face interviews with references.
- (23) (V) ~~The fingerprint card(s) (BID-7) returned from~~ A copy of the Department of Justice (DOJ) request form BCIA 8016, the, full state and FBI criminal record, if any, and the FBI criminal record, if any

and a copy of the Child Abuse Central Index (CACI) Clearance or out of state child abuse and neglect check.

- (24) (W) Justification for any deferment, waiver, or reduction in the DOJ fee charged pursuant to Family Code ~~§~~section 8712, 8811, or 8908, for checking or obtaining the criminal record of the applicant or petitioner.

(2) In the Independent Adoption Program, the case record shall also include:

- (A) If applicable, a copy of the preplacement evaluation or valid private agency adoption home study received from the private adoption agency.
- (B) Copies of the AD 100 form signed by the birth parent(s) authorizing for use and/or disclosure of information.
- (C) Any school reports for all school age children.
- (D) Background information about the birth parent(s) as required by Section 35092(b).
- (E) Copies of any assessments of the child, as required by Section 35093.
- (F) A copy of form AD 512.
- (G) If applicable, a copy of any request for a fee reduction and any supporting documentation submitted.

(3) In the Agency Adoption Program, the case record shall also include:

- (a)(4) (A) Copies of the written assessment of the child as required by Subchapter 5, Article 41 and the written assessment of the applicant as required by Subchapter 5, Article 6 11.
- (B) Copies of the birth parent's signed AD 100A form authorizing for use and/or disclosure of health information.
- (a)(5) (C) If applicable, a copy of the notice to the prospective adoptive parents of the agency's intent to remove the child from an adoptive placement.
- (a)(6) (D) If applicable, a copy of the written notice to all parties to a grievance review hearing pursuant to Section 35217.

(a)(7) (E) If applicable, a copy of the agency director's decision regarding the grievance review hearing as required by section ~~35239(a)(1)~~ 35221.

(a)(11) (F) Any ~~C~~copies of ~~the following~~ documentation supporting the issuance of the AD 4333 form, as required by Section 35165.

Authority cited: Sections 10553, ~~and~~ 10554 and 16118, Welfare and Institutions Code; and Section 8621~~2~~, Family Code.

Reference: Sections 1501, 1502, 1503, ~~and~~ 1508 and 1522, Health and Safety Code; Sections 89179 and 89182, Title 22, California Code of Regulations; and Sections 177, 7900 et seq., 8620, 8706, 8710, 8712, 8810, 8811, 8811.5, 8814, 8814.5, 8817, 8908, 8909, 9202, 9203, and 9204, and 9205, Family Code.

Amend Section 35049 to read:

35049 RELEASING INFORMATION FROM AN ADOPTION CASE RECORD 35049

- (a) ~~(Reserved)~~ Refer to Subchapter 8 for additional procedures for the child subject to the provision of the ICWA.

HANDBOOK BEGINS HERE

- ~~(a) Refer to Subchapter 8 for additional procedures for the child subject to the provision of the ICWA.~~

~~HANDBOOK ENDS HERE~~

- (b) An adoption case record is confidential.

~~HANDBOOK BEGINS HERE~~

- ~~(1) An adoption case record is established when:~~

- ~~(A) An agency accepts the signed relinquishment of a child for an adoptive placement from a relinquishing parent or when a court orders termination of parental rights and refers the child for adoption planning.~~
- ~~(B) An agency accepts the completed and signed adoption application from a prospective adoptive parent or parents.~~
- ~~1. A previously approved assessment of the applicant conducted by a licensed California adoption agency constitutes an adoption case record, even if the prospective adoptive parent has not formally applied to adopt a specific child.~~
- ~~(C) An agency receives a filed and endorsed petition for an independent adoption, and, if required, an attached signed adoption placement agreement.~~

~~HANDBOOK ENDS HERE~~

- (1) An adoption case record is established when:

- (A) An agency accepts the signed relinquishment of a child for an adoptive placement from a relinquishing parent or when a Court orders termination of parental rights and refers the child for adoption planning.

- (B) An agency accepts the completed and signed adoption application from a prospective adoptive parent or parents.
 - (C) An agency receives a filed and endorsed petition for an independent adoption, and, if required, an attached signed adoption placement agreement.
 - (D) Any documentation submitted to the agency to facilitate the adoption of a child.
- (c) ~~Information shall be released~~ An agency shall release information from an adoption case record as follows:
- (1) To the individual to whom the information pertains pursuant to Civil Code ~~§~~section 1798.24(a);
 - (A) ~~(Reserved)~~
 - (BA) Upon written request, the agency shall provide the requestor copies of materials he or she submitted to the agency or documents he or she signed during the adoption proceedings.

HANDBOOK BEGINS HERE

- 4. These documents include the signed relinquishment or consent forms, signed statement of understanding form, and signed adoption placement agreement.

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- (CB) No agency shall include or disclose the identity of the adoptee's birth parent or birth parents in information provided under Civil Code ~~§~~section 1798.24(a).
- (2) To an adopted person pursuant to Civil Code ~~§~~section 1798.24(q).
 - (A) The release of such information shall be limited to general background information pertaining to the adopted person's natural parents, provided that the information does not include or reveal the identity of the natural parents.
 - (3) ~~To~~ the child or grandchild of an adopted person pursuant to Civil Code ~~§~~section 1798.24(r).
 - (A) The release of such information shall be limited to medically necessary information pertaining to the adopted person's natural parents. The information, or the process for obtaining the

information, shall not include or reveal the identity of the natural parents.

- (4) A copy of the medical report to the adopted person or the adoptive parent pursuant to Family Code section 9202.
- (45) To the juvenile court for the purpose of completing a preliminary assessment of the child's adoptability pursuant to Welfare and Institutions Code ~~Section 361.5(g), 366.21(i)(4) or Welfare and Institutions Code Section 366.22(bc)(4) and 366.25(b).~~
- (d) If adoption records are subpoenaed, the agency should refer the matter to its legal counsel.

HANDBOOK BEGINS HERE

- ~~(1) The superior court may order the release of certain identifying information from the court's adoption file to the parties of the adoption proceedings pursuant to Family Code Section 9200, or from the adoption case record pursuant to Health and Safety Code Section 102705.~~

HANDBOOK ENDS HERE

Authority cited: Section 1798.24, Civil Code; Section 8621, Family Code; Sections 10553, 10554 and 10850(d), Welfare and Institutions Code.

Reference: Sections 361.5(g), 366.21(i), 366.22(c), 366.25(b), and 10850(d), Welfare and Institutions Code; Sections 9200, 9202 and 9204, Family Code; Sections 1798.24(a), (q) and (r), Civil Code; 25 USC 1901, et seq.; and Sections 102625 and 102705, Health and Safety Code.

Amend Section 35050 to read:

35050 PROVIDING A UPDATED MEDICAL REPORT INFORMATION TO 35050
ADOPTIVE PARENTS POST FINALIZATION

- (a) The agency shall provide the adoptive parent(s) copies of information received by the agency pursuant to Family Code ~~§~~section 8702 or 8818 after finalization of the adoption.
- (31) The agency shall transmit the information to the adoptive parent(s) upon its receipt.
- (A) (Continued)
- (B) The agency shall ~~strive for fully disclosure~~ disclose of all medical and family background information received from the birth parent(s).
- (C) The agency shall not interpret or summarize medical terminology or any health conditions indicated in the information received from the birth parent(s). Emphasis shall be placed on citing verbatim from any reports and evaluations received.
- (D) The agency shall advise the adoptive parents that, upon receipt of the information, the adoptive parent(s) should consult his, her or their physician or mental health professional for further evaluation or interpretation, particularly if the information contains material sensitive in subject matter.

 1. and 2. (Continued)

Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Sections 8608 and 8621, Family Code.

Reference: Sections 8608, 8702, 8706, 8817, and 8818, and 8909, Family Code.

Amend Section 35051 to read:

35051 PROVIDING A MEDICAL REPORT UPON REQUEST

35051

- (a) The agency shall provide a photocopy of the adoptee's medical report required by Family Code ~~§~~section 9202 and all documents related to the medical report upon the written request of an adoptee who has attained the age of 18, an adoptee under the age of 18 who presents a certified copy of his or her marriage certificate, or an adoptive parent of an adoptee under the age of 18.
- (21) The agency shall delete from the medical report and photocopies of the relevant documents the names and addresses of all individuals, including the adoptee and the source, prior to releasing photocopies of the report, unless the person requesting the report has previously received the information pursuant to Family Code ~~§~~section 9203.

HANDBOOK BEGINS HERE

(A) (Continued)

HANDBOOK ENDS HERE

- (32) The agency shall ~~strive for fully disclosure~~ disclose of all medical and family background information about the adoptee and his or her birth parent(s) that are in the possession of the agency, as permitted by this section.
- (43) (Continued)
- (54) (Continued)
- (65) (Continued)
- (b) Subject to the conditions described in Sections 35051(a)(21) through (65), upon receipt, the agency shall transmit to the adult adoptee under the age of 18 who presents a certified copy of his or her marriage certificate, or the adoptive parent of an adoptee under the age of 18 medical information submitted by a birth parent after the release of the medical report pursuant to Section 35051(a).
- (1) and (2) (Continued)

Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 9202(a), Family Code.

Reference: Sections 9202 and 9203, Family Code; and 25 U.S.C. 1901, et seq.

Amend Section 35053 to read:

35053 DISCLOSING INFORMATION TO THE ADOPTEE

35053

- (a) ~~(Reserved)~~ Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

~~HANDBOOK BEGINS HERE~~

- (a) ~~Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.~~

~~HANDBOOK ENDS HERE~~

- (b) The agency shall disclose to the adoptee upon his/ or her request the name and most current address of a birth parent of an adoptee whose relinquishment for or consent to adoption was signed on or after January 1, 1984, in accordance with the provisions of Family Code ~~S~~section 9203.

- ~~(1)~~ ~~(Reserved)~~

Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Sections 8621 and 9203, Family Code.

Reference: Sections 9203 and 9206, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35055 to read:

35055 DISCLOSING INFORMATION TO THE BIRTH PARENT

35055

- (a) ~~(Reserved)~~ Refer to Subchapter 8 for additional procedures for the child subject to the provision of the ICWA.

~~HANDBOOK BEGINS HERE~~

- (a) ~~Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.~~

~~HANDBOOK ENDS HERE~~

- (b) The agency shall disclose to a birth parent upon his or her request the name and most current address of an adoptee over the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, when the adult adoptee has given written consent to the disclosure in accordance with Family Code ~~S~~section 9203.

Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections 8702, 8818, 9203 and 9206, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35059 to read:

35059 STATUTORY REQUIREMENTS FOR FURNISHING INFORMATION 35059
AND ACCESS TO CASE RECORDS

- (a) ~~(Reserved)~~ Refer to Subchapter 8 for additional procedures for the child subject to the provision of the ICWA.

HANDBOOK BEGINS HERE

- (a) ~~Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.~~

HANDBOOK ENDS HERE

- (b) The agency shall comply with Family Code ~~§~~section 9201 and Welfare and Institutions Code ~~§~~section 10852.

Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Section 10852, Welfare and Institutions Code; Sections 9201 and 9206, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35061 to read:

35061 STATUTORY REQUIREMENTS FOR THE RELEASE OF 35061
 PERSONAL PROPERTY

(a) The agency shall comply with the provisions of Family Code ~~S~~section 9206.

Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code;
 and Section 8621, Family Code.

Reference: Section 9206, Family Code.

Amend Section 35063 to read:

35063 DISCLOSURE OF INFORMATION TO A SIBLING

35063

- (a) The agency shall release to each sibling, ~~who has attained the age of 21,~~ the name and address of his or her ~~biological~~ sibling, provided that at least one sibling is an adoptee and both have filed a with the Department or adoption agency one of the following written waiver of rights to confidentiality forms, in accordance with Family Code ~~§~~section 9205.
- (1) ~~(Reserved)~~ For any sibling or adoptee who has attained the age of 18 prior to executing a waiver, the Waiver of Rights to Confidentiality for Siblings form AD 904A shall be used.
- (2) ~~(Reserved)~~ For any sibling or adoptee who is under 18 years of age when a waiver is executed, the Waiver of Rights to Confidentiality for Siblings form AD 904B shall be used.
- (A) Names and addresses shall be released to a sibling or adoptee who is under 18 years of age only when the adoptive parent, birth parent, legal parent or legal guardian has provided consent by signing the form AD 904B.
- (B) When the sibling is under the jurisdiction of the dependency court and has no parent or guardian able or available to provide consent, the dependency court may provide consent on the form AD 904B.
- (C) The form AD 904B filed with the Department or adoption agency will remain in effect after the minor turns 18 years of age unless the waiver form is rescinded.
- (b) Documentation necessary to establish the sibling relationship shall be attached to the waiver form that is filed with the Department or adoption agency.
- (1) When the relationship is biological or a half sibling, a copy of the birth certificate of the adoptee or sibling executing the waiver.
- (2) When the relationship is a step-sibling, a copy of the birth certificate of the adoptee or sibling executing the waiver and a copy of the marriage certificate or divorce decree for marriage between birth parent and step-parent.
- (3c) Prior to releasing names and addresses of the adoptee and sibling to each other or disclosing to the sibling that a waiver has been filed by the adoptee, the agency shall verify their ~~biological~~ sibling relationship.
- (A1) Verification of the sibling relationship shall include, but not be limited to:

- ~~1.(A)~~ Documentation in the agency or another adoption agency's case record;
 - ~~2.(B)~~ Documentation in the case record of a county welfare department; or,
 - ~~3.(C)~~ Birth certificate of the sibling; or,
 - ~~(D)~~ For step-sibling, a copy of the birth certificate and a copy of the marriage certificate or divorce decree for marriage between birth parent and step-parent.
- ~~(4) Before disclosing the adoptee's name and address or the existence of a waiver filed by the adoptee, the agency shall obtain the consent of the adoptee's birth parents and sibling in any case in which the sibling remained in the custody and control of the birth parents until the age of 18 years.~~
- ~~(A) In those instances in which the sibling and adoptee have only one birth parent in common, only that birth parent's consent is necessary.~~
 - ~~(B) If the sibling remained in the custody and control of only one birth parent until age 18, only that birth parent's consent is necessary.~~
 - ~~(C) The agency shall require of the sibling and birth parent(s) documentation necessary to establish the parent-child relationship before the name and address will be made available for release.~~
 - ~~(D) If any birth parent is deceased, the agency shall require from the sibling proof of the parent's death before the requirement for consent of that parent can be waived.~~
 - ~~1. A copy of the death certificate, newspaper clipping, or other evidence of a funeral or memorial service which establishes the parent's death shall be accepted by the agency as evidence of the birth parent's death.~~
 - ~~(E) In cases in which the sibling did not remain in the custody and control of his or her and the adoptee's birth parent(s) until age 18 but this fact cannot be verified, the agency shall accept as evidence that the sibling did not remain in the custody and control of the adoptee's and sibling's birth parent(s) an affidavit to that effect signed by the sibling.~~
 - ~~1. Prior to acceptance of such an affidavit, the agency shall inquire of the sibling the circumstances which led to the~~

~~sibling's not remaining under the custody and control of the adoptee's and sibling's birth parent(s) until the sibling reached age 18. The results of the inquiry shall be documented in the case record.~~

~~2. The affidavit shall be signed before a notary or authorized official of the agency.~~

~~(5) All waivers referred to in this section shall be on the AD 904A.~~

~~(A) Renumbered to Section 35063(f)~~

HANDBOOK BEGINS HERE

~~(B) Agencies may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section in accordance with Family Code Section 9205(b) as found at Section 35063(a)(1).~~

HANDBOOK ENDS HERE

(d) Upon receipt of the signed AD 904A or AD 904B, the Department or adoption agency shall determine if any other sibling waiver has been submitted.

(1) If both the sibling and the adoptee have submitted waiver forms, the Department or adoption agency shall release to each sibling their name and address.

(2) If there is no other waiver on file, the Department or adoption agency shall not release to each sibling their name and address. The Department or adoption agency shall inform the adoptee or sibling that no other waiver is on file and their form will be filed in the adoption case file.

(A) The Department or adoption agency shall inform the adoptee or sibling about the availability of a confidential intermediary pursuant to Family Code section 9205(g) and will provide them with the location of the Superior Court where a petition may be filed.

(e) The Department or adoption agency shall not solicit the execution of a waiver unless ordered by the court pursuant to the confidential intermediary.

(a)(5)(A)(f) Agencies shall advise adoptees and siblings who have filed waivers of confidentiality prior to the availability of the AD 904A waiver form of the necessity to sign submit the waiver on the form AD 904A.

(g) An adoptee or sibling may revoke a waiver filed pursuant to this section by giving written notice of revocation to the Department or agency.

- (h) Agencies may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section in accordance with Family Code section 9205(b).
- (i) For the purpose of this section, "sibling" means the biological sibling, half-sibling or step-sibling of the adoptee.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Sections 8621 and 9205(~~d~~), Family Code; and Section 1530, Health and Safety Code.

Reference: Sections 9204 and 9205, Family Code.

Amend Section 35065 to read:

35065 SERVICES TO BE PROVIDED FOLLOWING FINALIZATION OF 35065
AN ADOPTION

- (a) ~~(Reserved)~~ Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

~~HANDBOOK BEGINS HERE~~

- (a) ~~Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.~~

~~HANDBOOK ENDS HERE~~

- (b) (Continued)

Authority cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections 1798.24(r) and (s), Civil Code; Sections 8706, 8817, 8909, 9201, 9202, 9203, 9204 and 9206, Family Code; and 25 U.S.C. 1901 et seq.

Adopt Section 35078 to read:

35078 ADOPTION FACILITATORS

35078

(a) Adoption Facilitators are individuals or agencies that provide services to solicit and locate prospective adoptive parents, birth parents and adoptable children and act as an intermediary between them. Adoption Facilitators are not licensed as an adoption agency by the State of California. Adoption Facilitators are required to complete the Application Process. Approved applicants will be added to the California Department of Social Services Adoption Facilitator Registry.

(1) To provide services as a registered adoption facilitator in the State of California, the following requirements must be met and all documentation listed must be submitted to the Department for approval:

- (A) A completed and signed Adoption Facilitator Registry Application (AD 70) form.
- (B) A copy of a government issued identification (e.g. driver's license or passport).
- (C) A copy of a valid California business license.
- (D) A surety bond in the amount of twenty-five thousand dollars (\$25,000), executed by a corporate surety admitted to do business in California.
- (E) Proof of education and adoption related experience, which may include school transcripts or a copy of college degree(s).
- (F) A completed and signed Criminal Record Statement (LIC 508 A).
- (G) A completed Request for Live Scan Service – Community Care Licensing (LIC 9163).
- (H) A non-refundable annual registration fee of two hundred and fifty dollars (\$250.00).

(2) The adoption facilitator may request a waiver of education and experience requirements by providing the following:

- (A) Proof of five years of work experience providing direct adoption services for a licensed adoption agency.
- (B) Three letters of support from any of the following:

1. A representative of a licensed public or private adoption agency, or a county adoption agency.
 2. A member of the Academy of California Adoption Lawyers.
 3. The Department.
- (3) Evidence that the adoption facilitator has been found liable of malfeasance in connection with providing adoption services shall result in the denial of the request for waiver of education and adoption-related experience.
- (4) After the applicant has submitted all the requirements of subdivision (1), the Department shall issue an approval or disapproval in writing to the applicant.
 - (A) "Approval" means the applicant has met all requirements, the application and live scan have been approved by the Department, and the applicant may operate as an adoption facilitator.
 - (B) "Disapproval" means the applicant has not met all requirements and may not operate as an adoption facilitator.
- (b) After approval, an adoption facilitator will be added to the California Department of Social Services Adoption Facilitator Registry website.
- (c) Trainee Application Process
 - (1) A trainee under an adoption facilitator, the following requirements must be met by the trainee and all documentation listed must be submitted to the Department by the adoption facilitator:
 - (A) A completed Adoption Facilitator Registry Trainee Application (AD 71).
 - (B) A Request for Live Scan Services – Community Care Licensing (LIC 9163) completed by the trainee.
 - (C) A Criminal Record Statement (LIC 508A) completed and signed by the trainee.
 - (2) After the adoption facilitator has submitted all the requirements for the trainee, the Department shall issue an approval or disapproval letter.
 - (A) "Approval" means the applicant has met the requirements, the application and live scan has been approved, and the applicant may operate as a trainee.

(B) "Disapproval" means the applicant has not met all requirements and may not operate as a trainee.

(d) Adoptions Facilitators shall do all of the following:

- (1) Disclose they are not a licensed adoption agency to all birthparents and prospective adoptive parents in the first oral communication in which there is a description of services.
- (2) Obtain a written agreement signed by both parties when acting on behalf of both the birth parent and adoptive parent.
- (3) Provide the prospective adoptive parent with a written report of any information provided from the birthparents regarding a child being considered for adoption.
- (4) Provide a written contract, consistent with the requirements of Family Code section 8631, to the birthparents and/or prospective adoptive parent and explain the contract verbally.
 - (A) Any party may revoke the contract and, if a fee has been paid by the prospective adoptive parent, request return of the fee, within 72 hours after signing the contract or payment of the fee.
- (5) Report any fees collected to the court.

(e) Adoptions Facilitators shall not do any of the following:

- (1) Mislead an individual to believe the facilitator is a licensed adoption agency.
- (2) Represent to any person that he or she is able to provide services for which the adoption facilitator is not properly licensed.
- (3) Make use of photolisting to advertise minor children for placement in adoption.
- (4) Post in any advertising specific information about particular minor children who are available for adoption placement.

(f) Adoption facilitators are required to submit Annual Renewal documentation and fees to the California Department of Social Services.

- (1) The adoption facilitator shall submit the annual fee of two hundred and fifty dollars (\$250.00), proof of a current surety bond and proof of a valid business license.

- (2) Failure to submit the requirements in (1) shall result in the adoption facilitator being removed from the California Department of Social Services Registry of California Adoption Facilitators.

(g) Surety Bond

- (1) The adoption facilitator shall post a bond in the amount of twenty-five thousand dollars (\$25,000) payable to the people of the State of California and maintain an up-to-date and active surety bond with the Department of Social Services at all times.
- (2) Failure to maintain the surety bond shall result in the removal from the California Department of Social Services Registry of California Adoption Facilitators.
- (3) The Department shall return the facilitator to the California Department of Social Services Registry of California Adoption Facilitators if proof of a valid surety bond is submitted and all other requirements continue to be met.

(h) Business License

- (1) The adoption facilitator shall maintain a current and active business license with the appropriate jurisdiction in the State of California at all times and submit a current copy of the license to the Department of Social Services.
- (2) Failure to maintain the business license shall result in the removal from the California Department of Social Services Registry of California Adoption Facilitators.
- (3) The Department shall return the adoption facilitator to the California Department of Social Services Registry of California Adoption Facilitators if proof of a valid business license is submitted and all other requirements continue to be met.

(i) Violation by Adoption Facilitator

- (1) An individual or agency operating as an adoption facilitator without having met the provisions of this section is subject to and immediate civil penalty in the amount of \$100 per day of the violation.

(j) Complaint Registry

- (1) A complaint may be filed by any person against an adoption facilitator by submitting the Adoption Facilitators Complaint Form (AD 72) to the Department of Social Services. The Department shall:

- (A) Review the complaint.
 - (B) Forward a copy of the complaint to the adoption facilitator for response by the facilitator.
- (2) The adoption facilitator may respond to the complaint within 30 days in writing to the Department of Social Services.
 - (A) The Department shall provide the adoption facilitator's response to the complainant.
- (3) If the Department is unable to resolve the complaint between the parties, the Department shall notify the complainant of the availability of the availability of alternative remedies pursuant to Family Code section 8638.

Authority cited: Sections 996.310-996.360, California Code of Civil Procedure, Section 8632.5 Family Code.

Reference: Sections 8625, 8626, 8627, 8628, 8629, 8630, 8631, 8632.5, 8636, 8638 Family Code.